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July 23

Board of Trustees  
Laconia State School  
Laconia, New Hampshire

Attention: Richard H. Hungerford, Superintendent

Gentlemen:

You have requested an opinion from this office as to whether municipal courts may commit children to the school, and as to whether the court may later terminate such a committal.

May I call your attention to Revised Laws (1942) chapter 132, section 15 which provides that a municipal court, after hearing, may commit a feeble-minded neglected or feeble-minded delinquent child to the Laconia State School. It is my opinion that even though the statute provides that such committals are proper a further reading of the statute indicates that once the child is committed to the Laconia State School he then comes under the jurisdiction and protection of the board of trustees; therefore, the provisions of chapter 129, section 4 would apply in case of a municipal court committal as well as any other type of committal.

In effect this means that the committing municipal court may not later vacate its order and thereby effect the release of any children committed by them under the provisions of the said chapter 132.

Very truly yours,

Arthur E. Bean, Jr.  
Assistant Attorney General

AEB,Jr/T